

ITEM	9
MANAGER'S REPORT NO.	34
COUNCIL MEETING	1979 04 30

Re: U.B.C.M. RESOLUTIONS

Following is a report from the Director of Planning regarding the above.

RECOMMENDATION:

1. THAT the recommendations of the Director of Planning be adopted.

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1979 April 25

TO: MUNICIPAL MANAGER
 FROM: DIRECTOR OF PLANNING
 RE: U.B.C.M. RESOLUTIONS

RECOMMENDATIONS:

1. THAT the Council approve the resolutions as proposed in Section "B" of this report.
2. THAT these resolutions be referred to the General Membership Meeting of the Lower Mainland Municipal Association for endorsement and submitted to the U.B.C.M.

REPORT

A. BACKGROUND

The Planning Department has, over the last few years, prepared a number of resolutions which have been approved by the Council and submitted to the U.B.C.M. for consideration.

Three resolutions which were approved by the Council in 1976 have been covered by the 1977 amendments to the Municipal Act. These include:

- (a) The provision of Land or Funds for Public Use in Residential Subdivisions.

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- (b) The Provision of Underground Wiring and Boulevard Treatment as a Condition of Approval for New Development.
- (c) Landscaping Covenants providing for Earth Berms and Natural Screening between Areas of Incompatible Land Uses.

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Five resolutions were approved by the Council in 1977 and subsequently endorsed by the U.B.C.M. The current status of these, based on information recently obtained from the U.B.C.M. office, is as follows:

- (a) The Provision of a Trust Fund for Required Services as a Condition of Subdivision Approval -

This resolution was discussed with the Minister of Municipal Affairs who expressed the view that the amended Municipal Act (Section 702C - Development Cost Charges) was sufficiently flexible to cover this item, although this has been questioned by the U.B.C.M. Executive. The Province then requested one year (to the end of 1978 December) as a "test" period before reporting back on the matter. However, no information has been received from the Province to date.

- (b) The Broadening of the Definition of the term, "All-Terrain Vehicle" in the "All-Terrain Vehicles Act" to Specifically Include Trail Bikes, Mini-Bikes and Similar Machines -

We have been advised that this matter is expected to be dealt with by the Province in the near future.

- (c) The Provision of Compensation to Municipalities for Street Allowance Closures Involving Abutting Private Owners -

There has been no indication, as yet, whether the Province intends to move on this resolution and implement the appropriate provisions. In the meanwhile they have recommended that we initiate action to close rights-of-way which are not needed and obtain title to them, to avoid the problems caused by private applications under the Plans Cancellation Act.

- (d) Provision for the Establishment of Building Lines along Major Streets -

This resolution was approved by the Council in 1977 and again in 1978. Although this item was referred to the Province, no action has been taken on it.

- (e) The Including of the Cost of Parking for Apartment Buildings in the Rent -

This resolution was also approved by the Council in both 1977 and 1978. However, no response has yet been received from the Province.

One additional resolution was approved by the Council and endorsed by the U.B.C.M. in 1978 (i.e. The Revision of the Present Requirements for Public Hearing Notices in the Advertising of Rezoning Applications). Although included in a submission to the Minister of Municipal Affairs immediately following the 1978 U.B.C.M. convention, no action has been forthcoming on this matter.

A review of the foregoing resolutions indicates that in several of the cases no definitive steps have been taken by the Province to introduce the legislative changes that would be involved. It is suggested, therefore, that these be re-submitted to the U.B.C.M. in order to ensure that they remain on the active list for further consideration. No new resolutions are being proposed by the Planning Department at the present time.

B. THE PROPOSED RESOLUTIONS

- (1) The Provision of a Trust Fund for Required Services as a Condition of Subdivision Approval

WHEREAS the Municipal Act does not presently include provision for a municipality to hold money in trust as a condition of subdivision approval for services that cannot be constructed at the time of subdivision;

AND WHEREAS, under these circumstances, a municipality is faced with expenditures for servicing which should rightly belong to the subdivider of land;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend Section 711 (Subdivision of Land) of the Municipal Act to provide the necessary authority for a municipality to hold money in trust to ensure the future provision of services by the developer involved in the subdivision of land.

- (2) Provision of Compensation to Municipalities for Street Allowance Closures Involving Abutting Private Owners

WHEREAS the right of possession of every public street allowance in a municipality is vested in the municipality under the Municipal Act, subject to any right reserved by the person who dedicated such street allowance;

AND WHEREAS the right of possession of the land forming a public street allowance within its area represents a valuable asset of a municipality;

AND WHEREAS the Plans Cancellation Act provides for the cancellation of street allowances by cancelling or amending a plan of subdivision upon the submission of an application to the Registrar of Land Titles by owners of abutting land;

AND WHEREAS such owners of abutting land are not required to dedicate another street allowance to the municipality but add the cancelled street allowances to their abutting properties without compensation to the municipality;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Plans Cancellation Act so that under Plans Cancellation proceedings compensation shall be paid to the municipality for cancelled street allowances which are obtained by the owners of abutting land.

- (3) Provision for the Establishment of Building Lines along Major Streets

WHEREAS the Municipal Act empowers a municipality to regulate the siting of buildings within the various zoning districts included within its area of jurisdiction;

AND WHEREAS this authority does not presently extend to the establishment by a municipality of building lines on any land abutting on any street or road, and for providing that no building shall be erected on such land at a lesser distance from the street or road than indicated by the building line;

AND WHEREAS building lines are an effective means of providing for necessary future street widenings, designating rights-of-way which have been planned but not yet developed, protecting the traffic carrying function of a thoroughfare, and preserving the amenities of buildings along major traffic routes;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to provide the necessary authority for a municipality to establish building lines on land abutting an existing and/or proposed major street within its boundaries.

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(4) The Including of the Cost of Parking for Apartment Buildings in the Rent

WHEREAS many municipalities are experiencing excessive on-street parking in areas of apartment development, a situation which gives rise to problems of traffic congestion and increasing hazards to pedestrians;

AND WHEREAS the incentives to use the parking facilities provided by an apartment development area generally lacking due to the prevalent policy of requiring an additional fee, over and above the normal rental, for a parking space, a condition which leaves many parking spaces vacant;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to provide the necessary authority for any municipality which wishes to do so to require that apartment owners include the cost of off-street parking in the rent in order to encourage the use of these facilities by the apartment tenants.

(5) The Revision of the Present Requirements for Public Hearing Notices in the Advertising of Rezoning Applications

WHEREAS the Municipal Act presently requires that Public Hearing Notices on any proposed amendments to the Zoning By-law having the effect of rezoning an area of a municipality from one zone to another be mailed or otherwise delivered to the occupiers of all real property within the area that is subject to the rezoning, and within a distance specified in a municipal by-law from the area that is subject to the rezoning;

AND WHEREAS this procedure also requires the placing of such a notice, for either the rezoning of land or a zoning by-law text amendment, in not less than two consecutive issues of a newspaper published or circulating in a municipality;

AND WHEREAS the recent amendments to the Municipal Act specify the minimum width, the thickness of the border, the size and type of lettering of a Public Hearing Notice that is placed in a newspaper;

AND WHEREAS these new requirements increase considerably the cost of advertising Public Hearing Notices to a municipality and, through the rezoning fee which will reflect these charges, to the applicant, without increasing the coverage provided to the general public;

THEREFORE BE IT RESOLVED that the Provincial Government be requested to amend the Municipal Act to delete the regulations prescribing the form and style of printing of Public Hearing Notices under Section 703 (Notice of Public Hearing Regulations).

RBC/hf
c.c. - Chief Building Inspector
Municipal Clerk
Municipal Engineer
Municipal Solicitor
Assistant Director - Long Range
Planning and Research


A. L. Parr
DIRECTOR OF PLANNING